
State's Attorney

MISSION STATEMENT

The State's Attorney is a constitutionally created independent agency. The mission of the Office of the State's Attorney is to serve the public interest through the fair and honest administration of justice by exercising its responsibilities to: prosecute criminal violations in Montgomery County; educate the public with regard to criminal justice issues; provide training to lawyers for future service; address inequality and promote fairness in the criminal justice system; ensure access to the criminal justice system; promote professional relations with judges and attorneys; and further the efficient use of criminal justice resources.

BUDGET OVERVIEW

The total recommended FY09 Operating Budget for the Office of the State's Attorney is \$12,755,660, an increase of \$854,020 or 7.2 percent from the FY08 Approved Budget of \$11,901,640. Personnel Costs comprise 95.7 percent of the budget for 113 full-time positions and ten part-time positions for 121.4 workyears. Operating Expenses account for the remaining 4.3 percent of the FY09 budget.

The Office has six Community Prosecution teams assigned geographically to the six police districts. Each team exclusively prosecutes the crime which happens in its respective police district. Prosecutors are assigned to neighborhoods, schools, civic groups, and faith-based organizations to promote better communication between the Office and communities. This increased interaction will allow prosecutors to be problem solvers, not just case processors.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ *Safe Streets and Secure Neighborhoods*

ACCOMPLISHMENTS AND INITIATIVES

❖ *Productivity Improvements*

- *The State's Attorney's Office is a participating partner in the development of the Integrated Justice Information System project. As part of that project, the State's Attorney Office is procuring a Case Management System which will ultimately interface with other public safety agencies in Montgomery County. Operating without a Case Management System over the past several years has resulted in office inefficiency, redundant and sometimes incomplete data entry, and the inability to generate any management reports and statistics. The Case Management System would alleviate the workloads faced by our staff, increase productivity and enhance our ability to investigate, prepare and responsibly prosecute the criminal cases.*
- *During FY07, the State's Attorney's Office recruited undergraduate and law school students to volunteer as interns. Most of the students in the internship program participate for the experience of working in a prosecutor's office. Some earn credit for their internships. These interns prepare cases for prosecution in the District Court by gathering evidence, contacting witnesses and making recommendations to the Assistant State's Attorney assigned to the case.*

PROGRAM CONTACTS

Contact David Baker of the Office of the State's Attorney at 240.777.7318 or Edmond M. Piesen of the Office of Management and Budget at 240.777.2764 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Circuit Court Prosecution

The Circuit Court Prosecution program reviews cases for possible filing in the Circuit Court by presenting these cases to the Grand Jury for indictment or filing a State's Attorney's information. After charges are filed, the State's Attorney's Office litigates these cases to disposition. Senior Assistant State's Attorneys provide support and guidance to ongoing police investigations and conduct Grand Jury investigations of major felony cases, drug distribution, gang crimes, internet crimes, and environmental cases. The Family Violence Unit prosecutes crimes of domestic violence, child abuse, and elder abuse. Prosecutors in this unit have specialized

training to attack these difficult and often devastating crimes. Each Community Prosecution Team has been assigned a prosecutor from the Family Violence Unit to specifically handle the family violence cases occurring within its assigned police district. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	5,783,210	46.1
Add: Anti- Gang Initiative Grant	71,080	1.0
Increase Cost: Annualization of Positions Approved in FY08	50,390	0.6
Shift: One OSC Position from Drug Enforcement Forfeiture Fund (DEFF) to General Fund	32,580	0.4
Decrease Cost: Salary Differential of Departing Attorneys and New Hires	-128,000	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	145,890	-0.2
FY09 CE Recommended	5,955,150	47.9

District Court Screening

The District Court Screening program resolves as many cases as possible before the trial date by contacting victims and witnesses to determine what outcome they would like to obtain from the criminal justice system. This program relies on volunteers and is supervised by permanent staff. It provides victim/witness assistance by delivering information about the criminal justice system to victims and witnesses whose cases are expected to go to trial and an on-call service, when possible, to reduce the inconvenience experienced by victims and witnesses.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	278,770	3.5
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	19,640	0.0
FY09 CE Recommended	298,410	3.5

Juvenile Court Prosecution

The Juvenile Court Prosecution program prosecutes criminal violations committed by juvenile offenders in Montgomery County and performs a preliminary review of all cases in which a juvenile is charged with a violent crime. This includes cases which have been reviewed by the Juvenile Services Administration and then referred to the Office of the State's Attorney. In such cases, formal charges are filed where appropriate and litigated to disposition in the Juvenile Court, attempting to obtain restitution for victims when possible. This program also provides administrative support to Teen Court, a Countywide peer adjudication initiative for non-violent juvenile offenses.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	1,210,580	13.5
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	98,580	0.0
FY09 CE Recommended	1,309,160	13.5

Pre-Trial Mediation

The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals which might enter the judicial system as criminal cases, or civil claims, or even escalate to violence if not otherwise resolved. Trained volunteers, working in conjunction with a mediation specialist, mediate various issues involved in disputes allowing the parties to reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community. This program provides merchants with a quick and effective way to recover their rental property and fees.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	100,390	2.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	9,630	0.0
FY09 CE Recommended	110,020	2.0

Victim/Witness Court Assistance

This program assists victims in criminal cases that have been designated as “victim-intensive” by virtue of the vulnerability of the victim or the type of crime. Victims receive direct court assistance from a Victim/Witness Coordinator. The Coordinator guides the victim through the judicial process, provides assistance where necessary, and makes referrals to other County agencies as needed. In all other cases, Assistant State's Attorneys provide information and assistance to victims and witnesses. This program is staffed with permanent and volunteer personnel.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	275,480	4.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	55,100	0.0
FY09 CE Recommended	330,580	4.0

Major Fraud and Special Investigations

The Major Fraud and Special Investigations program investigates allegations of major fraud such as thefts by attorneys from their clients, complex financial crimes, and other serious criminal cases for which the Police Department is unable to provide investigative resources.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	463,280	5.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	72,310	0.0
FY09 CE Recommended	535,590	5.0

Prosecution Management

Prosecution Management staff coordinate case loads; schedule docket assignments; receive visitors; direct phone calls; and enter and audit data in the Criminal Justice Information System (CJIS) for the Circuit, District, and Juvenile Courts.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	850,300	7.8
Increase Cost: Printing and Mail Adjustments	2,870	0.0
Increase Cost: Central Duplicating Deficit Recovery Charge	1,510	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	41,970	0.2
FY09 CE Recommended	896,650	8.0

Administration

Staff provide central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinate efforts and initiatives with other criminal justice agencies.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	624,910	5.0
Increase Cost: Compensation Adjustment for State's Attorney	4,860	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	172,700	1.0
FY09 CE Recommended	802,470	6.0

District Court Prosecution

The District Court Prosecution program prosecutes criminal cases including misdemeanor arrests, citizen complaints, and serious or incarcerable traffic offenses. The State's Attorney's Office has also implemented a Domestic Violence docket in District Court to ensure that assault cases of a domestic nature and violations of protective orders are given special attention.

FY09 Recommended Changes

	Expenditures	WYs
FY08 Approved	2,314,720	31.3
Add: STOP Grant for Domestic Violence	88,630	1.0
Increase Cost: Increase Salary of Public Administration Interns	41,140	0.0
Enhance: Change Office Services Coordinator to Full Time	0	0.2
Decrease Cost: Termination of STOP Violence Against Women Grant	-83,170	-1.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	156,310	0.0
FY09 CE Recommended	2,517,630	31.5

BUDGET SUMMARY

	Actual FY07	Budget FY08	Estimated FY08	Recommended FY09	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	8,162,518	8,810,800	8,860,740	9,325,060	5.8%
Employee Benefits	2,270,086	2,474,240	2,507,830	2,728,340	10.3%
County General Fund Personnel Costs	10,432,604	11,285,040	11,368,570	12,053,400	6.8%
Operating Expenses	574,012	533,430	542,570	542,550	1.7%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	11,006,616	11,818,470	11,911,140	12,595,950	6.6%
PERSONNEL					
Full-Time	100	109	109	111	1.8%
Part-Time	11	11	11	10	-9.1%
Workyears	112.7	117.2	117.2	119.4	1.9%
REVENUES					
SAO Investigation Reimbursement	0	0	150,000	0	—
Discovery Materials	21,027	25,000	15,000	12,000	-52.0%
Bad Check Mediation Fee	10,420	6,500	8,500	7,500	15.4%
HIDTA Salary Reimbursement	100,000	0	0	0	—
Rental Return Restitution Fee	3,285	2,000	5,000	4,000	100.0%
Teen Court Fees	3,375	3,000	6,000	6,000	100.0%
County General Fund Revenues	138,107	36,500	184,500	29,500	-19.2%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	87,152	68,640	145,040	137,680	100.6%
Employee Benefits	20,023	14,530	14,530	22,030	51.6%
Grant Fund MCG Personnel Costs	107,175	83,170	159,570	159,710	92.0%
Operating Expenses	0	0	8,950	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	107,175	83,170	168,520	159,710	92.0%
PERSONNEL					
Full-Time	2	1	1	2	100.0%
Part-Time	0	0	0	0	—
Workyears	2.0	1.0	1.0	2.0	100.0%
REVENUES					
Community Prosecution	19,645	0	0	0	—
STOP Grant for Domestic Violence	87,530	83,170	83,600	88,630	6.6%
Montgomery County Anti-Gang Initiative	0	0	65,430	71,080	—
Domestic Violence Investigator Grant	0	0	19,490	0	—
Grant Fund MCG Revenues	107,175	83,170	168,520	159,710	92.0%
DEPARTMENT TOTALS					
Total Expenditures	11,113,791	11,901,640	12,079,660	12,755,660	7.2%
Total Full-Time Positions	102	110	110	113	2.7%
Total Part-Time Positions	11	11	11	10	-9.1%
Total Workyears	114.7	118.2	118.2	121.4	2.7%
Total Revenues	245,282	119,670	353,020	189,210	58.1%

FY09 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY08 ORIGINAL APPROPRIATION	11,818,470	117.2
<u>Changes (with service impacts)</u>		
Enhance: Change Office Services Coordinator to Full Time [District Court Prosecution]	0	0.2
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: General Wage and Service Increment Adjustments	620,130	0.0
Increase Cost: Group Insurance Adjustment	115,220	0.0
Increase Cost: Retirement Adjustment	97,400	0.0
Increase Cost: Annualization of Positions Approved in FY08 [Circuit Court Prosecution]	50,390	0.6
Increase Cost: Increase Salary of Public Administration Interns [District Court Prosecution]	41,140	0.0
Shift: One OSC Position from Drug Enforcement Forfeiture Fund (DEFF) to General Fund [Circuit Court Prosecution]	32,580	0.4
Increase Cost: Compensation Adjustment for State's Attorney [Administration]	4,860	0.0
Increase Cost: Motor Pool Rate Adjustment	4,740	0.0
Increase Cost: Printing and Mail Adjustments [Prosecution Management]	2,870	0.0
Increase Cost: Central Duplicating Deficit Recovery Charge [Prosecution Management]	1,510	0.0
Increase Cost: Technical Adjustment for One Workyear	0	1.0
Decrease Cost: Annualization of FY08 Personnel Costs	-65,360	0.0
Decrease Cost: Salary Differential of Departing Attorneys and New Hires [Circuit Court Prosecution]	-128,000	0.0
FY09 RECOMMENDED:	12,595,950	119.4
GRANT FUND MCG		
FY08 ORIGINAL APPROPRIATION	83,170	1.0
<u>Changes (with service impacts)</u>		
Add: STOP Grant for Domestic Violence [District Court Prosecution]	88,630	1.0
Add: Anti- Gang Initiative Grant [Circuit Court Prosecution]	71,080	1.0
<u>Other Adjustments (with no service impacts)</u>		
Decrease Cost: Termination of STOP Violence Against Women Grant [District Court Prosecution]	-83,170	-1.0
FY09 RECOMMENDED:	159,710	2.0

PROGRAM SUMMARY

	FY08 Approved		FY09 Recommended	
	Expenditures	WYs	Expenditures	WYs
Circuit Court Prosecution	5,783,210	46.1	5,955,150	47.9
District Court Screening	278,770	3.5	298,410	3.5
Juvenile Court Prosecution	1,210,580	13.5	1,309,160	13.5
Pre-Trial Mediation	100,390	2.0	110,020	2.0
Victim/Witness Court Assistance	275,480	4.0	330,580	4.0
Major Fraud and Special Investigations	463,280	5.0	535,590	5.0
Prosecution Management	850,300	7.8	896,650	8.0
Administration	624,910	5.0	802,470	6.0
District Court Prosecution	2,314,720	31.3	2,517,630	31.5
Totals	11,901,640	118.2	12,755,660	121.4

CHARGES TO OTHER DEPARTMENTS

Recipient Department	Recipient Fund	FY08		FY09	
		Total\$	WYs	Total\$	WYs
GENERAL FUND					
Sheriff	Grant Fund - MCG	124,050	2.0	133,260	2.0

FUTURE FISCAL IMPACTS

Title	CE REC.		(\$000's)			
	FY09	FY10	FY11	FY12	FY13	FY14
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY09 Recommended	12,596	12,596	12,596	12,596	12,596	12,596
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	688	756	756	756	756
These figures represent the estimated cost of general wage adjustments, service increments, and associated benefits.						
Central Duplicating Deficit Recovery Charge	0	-1	-1	-1	-1	-1
This per employee charge will be eliminated in FY10.						
Subtotal Expenditures	12,596	13,283	13,351	13,351	13,351	13,351